<u>Remarks</u>

Reconsideration of this application as amended is respectfully requested.

Claims 1-12 stand rejected under 35 U.S.C. §102(e) in view of U.S. Patent No: 6,486,915 of *Bell et al.* ("*Bell*").

Applicant submits that amended claim 1 is not anticipated by *Bell*. Amended claim 1 is a method for exposure control that includes determining a selected exposure in response to the numbers of clipped pixels contained in photographs obtained using each of a set of possible exposures. *Bell* does not determine a selected exposure in response to the numbers of clipped pixels in obtained photographs as claimed in amended claim 1. Instead, *Bell* determines an exposure setting in response to a maximum value in a pixel histogram of a photograph and a mean value (*Bell*, col. 5, lines 59-63) and a minimum value in the pixel histogram (*Bell*, col. 5, line 66 through col. 6 line 1) and whether a mean value of the pixel histogram is within a tolerable range (*Bell*, col. 6, lines 21-25).

Rather than use the numbers of clipped pixels contained in photographs to determine a selected exposure as claimed in amended claim 1, *Bell* uses the number of clipped pixels in a photograph to adjust the size of a sample window. For example, *Bell* discloses a step 312 in which it is determined whether the number of clipped pixels in a sample window exceeds 5 percent of the total number of pixels (*Bell*, col. 5, lines 15-22) and then states that

> If the test in step 312 is true, then this means that the imager's dynamic range is far too small to capture the whole scene's dynamic range. Thus, the current sample window may not be the best window to determine the optimal exposure setting for this particular scene. In this case, operation will proceed with step 316 in which the sample window is

Attorney Docket No.: 10003419-1

<u>reduced</u> to concentrate effort on determining a final
       exposure for the main subject, which is likely
       positioned in the center of the scene.

(*Bell*, col. 6, lines 23-31) (emphasis added). *Bell* then
goes on to select an exposure setting using the smaller
sample window by comparing a maximum value in a pixel
histogram for the photograph to a mean value (*Bell*, col.
5, lines 59-62) and comparing a minimum value in the pixel
histogram to the mean value (*Bell*, col. 5, line 66 through
col. 6 line 1) and determining whether a mean in the pixel
histogram is within a tolerable range (*Bell*, col. 6, lines
21-25).

     In further contrast, amended claim 1 includes
obtaining a photograph of an image scene for each of a set
of possible exposures. *Bell* does not teach obtaining a
photograph of an image scene for each of a set of possible
exposures as claimed in amended claim 1. Instead, *Bell*
teaches obtaining photographs using only the exposure
settings that are selected by an automated search
methodology. (*Bell*, col. 1 line 66 through col. 2, line
12). It is submitted that the automated search methodology
of *Bell* does not yield a photograph for each possible
exposure setting as does the method of amended claim 1.

     It is therefore respectfully submitted that the
method for exposure control of amended claim 1 that
determines a selected exposure based on the number of
clipped pixels for each possible exposure is not
anticipated by the exposure control of *Bell* which
determines a selected exposure based on mean values in
pixel histograms.

     Given that claims 2-4 depend from amended claim 1, it
is submitted that claims 2-4 are not anticipated by *Bell*.

     Applicant also submits that amended claim 5 is not
anticipated by *Bell*. Amended claim 5 includes limitations
similar to the limitations of amended claim 1. Therefore,

- 7 -

the remarks stated above with respect to amended claim 1 also apply to amended claim 5.

Given that claims 6-8 depend from amended claim 5, it is submitted that claims 6-8 are not anticipated by *Bell*.

It is also submitted that amended claim 9 is not anticipated by *Bell*. Amended claim 9 is a digital camera having an image processor that determines a selected exposure based on the number of clipped pixels obtained for each possible exposure. In contrast, *Bell* discloses an exposure control mechanism that determines an exposure setting by comparing a maximum value in a pixel histogram to a mean value (*Bell*, col. 5, lines 59-62) and comparing a minimum value in a pixel histogram to the mean value (*Bell*, col. 5, line 66 through col. 6 line 1) and determining whether a mean in a pixel histogram is within a tolerable range (*Bell*, col. 6, lines 21-25). In further contrast, an image processor according to amended claim 9 obtains a photograph of an image scene for each of a set of possible exposures whereas *Bell* obtains photographs using only the exposure settings that are selected by an automated search methodology. (*Bell*, col. 1 line 66 through col. 2, line 12).

Given that claims 10-12 depend from amended claim 9, it is submitted that claims 10-12 are not anticipated by *Bell*.

It is respectfully submitted that in view of the amendments and arguments set forth above, the applicable objections and rejections have been overcome.

- 8 -

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 08-2025 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: 2-26-04   By: _Paul (HH_____

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- 9 -